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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

TREVOR MOSS,

Plaintiff,

v.

TIBERON MINERALS LTD.,

Defendant.

Case No.: C 07-2732- SC

**[PROPOSED] ORDER DENYING  
DEFENDANT'S MOTION TO DISMISS  
FOR *FORUM NON- CONVENIENS***

[OR IN THE ATLERNATIVE]

**[PROPOSED] ORDER CONTINUING THE  
HEARING ON DEFENDANT'S MOTION  
TO DISMISS FOR *FORUM NON-  
CONVENIENS* IN LIGHT OF  
OUTSTANDING DISCOVERY ON THE  
ISSUES**

Hearing Date: October 26, 2007  
Time: 10:00 a.m.  
Location: Courtroom 1, 17<sup>th</sup> Floor  
Judge: Hon. Samuel Conti

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Defendant Tiberon Minerals Ltd.'s (hereinafter "Tiberon") Motion to Dismiss for *Forum Non-Conveniens* was submitted on the papers pursuant to this Court's vacation of the hearing date. Having considered the memoranda, briefs, declarations and other evidence submitted by the parties, Tiberon's motion to dismiss on the basis of *forum non-conveniens* is DENIED.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2007

\_\_\_\_\_  
The Honorable Samuel Conti  
United States District Court Judge

[OR IN THE ALTERNATIVE]

Defendant Tiberon Minerals Ltd.'s (hereinafter "Tiberon") Motion to Dismiss for *Forum Non-Conveniens* was submitted on the papers pursuant to this Court's vacation of the hearing date. Having considered the memoranda, briefs, declarations and other evidence submitted by the parties, this Court finds that additional evidence provided in response to plaintiff's outstanding discovery may be relevant to the determination of this motion. *In re Bridgestone/Firestone, Inc., ATX, ATX II & Wilderness Tires Products Liab. Litig.* (SD IN 2001) 131 F. Supp.2d 1027, 1029-130. Accordingly, this Court hereby continues the hearing date for Tiberon's motion to allow any additional evidence obtained via discovery to be presented on the issues.

The hearing date on Tiberon's motion is continued until: \_\_\_\_\_;

Further opposition papers may be filed by plaintiff on or before: \_\_\_\_\_;

Further reply papers may be filed by Tiberon on or before: \_\_\_\_\_.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2007

\_\_\_\_\_  
The Honorable Samuel Conti  
United States District Court Judge